

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

TERRY S. BRAXTON,

Petitioner,

- v -

**Civ. No. 9:05-CV-191
(TJM/RFT)**

JAMES T. CONWAY, Superintendent,

Respondent.

Thomas J. McAvoy, Senior U.S. District Judge

DECISION & ORDER

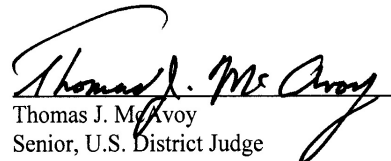
This *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 was referred to the Hon. Randolph F. Treece, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.4.

No objections to the Report-Recommendation and Order dated May 22, 2008 have been filed. Furthermore, after examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein. It is therefore

ORDERED that the petition for a writ of habeas corpus is **DENIED** and **DISMISSED**. Further, because Petitioner has not made a “substantial showing of the denial of a constitutional right” pursuant to 28 U.S.C. § 2253(c)(2), no certificate of appealability will issue with respect to any of Petitioner’s claims.

IT IS SO ORDERED.

Dated: September 11, 2008


Thomas J. McAvoy
Senior, U.S. District Judge